

Entered -1-9-00 - sb
CL 01L0019 - GWENDOLYN BURNS

01-R -0134

CLAIM OF:

ERNEST DAVIS
through his attorney,
William T. Mitchell,
CRUSER & MITCHELL, LLP
600 West Peachtree Street, NW
Suite605
Atlanta, Georgia 30308

For bodily injuries alleged to have been sustained as a result of an assault, battery, false arrest and imprisonment incident on October 1, 2000 at 871 Hutchens Road, SE.

THIS ADVERSED REPORT IS
APPROVED

ADVERSED BY
CITY COUNCIL
FEB 05 2001

BY:

Robert N. Godfrey
ROBERT N. GODFREY
DEPUTY CITY ATTORNEY

ADVERSE REPORT

COM. *Public Safety*

DATE *1-30-01*

CITY *C. T. Johnson*

Robert N. Godfrey

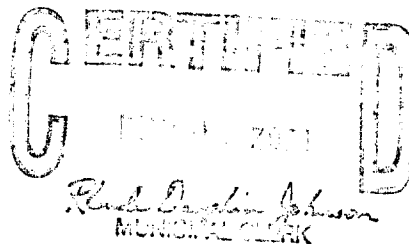
William T. Mitchell

Ernest Davis

Robert N. Godfrey

William T. Mitchell

Ernest Davis





OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103

February 15, 2001

William T. Mitchell
Cruser & Mitchell, LLP
600 West Peachtree St., NE
Suite 605
Atlanta, GA 30308

01-R-0134

RE: Ernest Davis

Dear Attorney Mitchell:

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your client's claim at its regular meeting on February 05, 2001. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division** at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: **Claims Division/Law Department**

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0019

Date: January 19, 2001

Claimant /Victim **ERNEST DAVIS**

BY: (Atty) (Ins. Co.) William T. Mitchell, Esq., CRUSER & MITCHELL, LLP

Address: 600 West Peachtree Street, NW, Suite 605, Atlanta, Georgia 30308

Subrogation: Claim for Property damage \$ Bodily Injury \$ 125,000.00

Date of Notice: 1/4/01 Method: Written, Proper X Improper

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 10/1/00 Place: 871 Hutchens Road, SE

Department POLICE Division

Employee involved M.L. Centola Disciplinary Action: _____

NATURE OF CLAIM: Claimant alleges that he sustained injuries when he was assaulted, battered, falsely arrested and imprisoned by Officer M.L. Centola and his supervisor. Claimant further alleges that both officers used excessive and unauthorized force during his apprehension and arrest. However, a municipal corporation shall not be liable for the torts of policemen or other officers engaged in the discharge of the duties imposed on them by law as set forth in O.C.G.A. Section 36-33-3.

INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____

Pictures _____ Diagrams _____ Reports: Police X Dept Report _____ Other X

Traffic citations issued: City Driver _____ Claimant Driver _____

Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial _____

Improper Notice _____ More than Six Months _____ Other X Damages reasonable _____

City not involved _____ Offer rejected _____ Compromise settlement _____

Repair/replacement by Ins. Co.	Repair/replacement by City Forces
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Claimant Negligent _____ City Negligent _____ Joint _____ Claim Abandoned _____

Respectfully submitted,


INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ Adverse ~~X~~ Account charged: 1A01 2J01 2H01

Claims Manager: [Signature] Concur/date 01/19/01

Committee Action: 2 Council Action 2



RCS# 2577
2/05/01
2:28 PM

Atlanta City Council

Regular Session

CONSENT

Pages: 1-14

ADOPT

YEAS: 14
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 1

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

Y McCarty	B Dorsey	Y Moore	Y Thomas
Y Starnes	Y Woolard	Y Martin	Y Emmons
Y Bond	Y Morris	Y Maddox	Y Alexander
Y Winslow	Y Muller	Y Boazman	NV Pitts

ITEM (S) REMOVED FROM
CONSENT AGENDA
00-O-2069
01-O-0083
01-R-0074
01-R-0092
01-R-0093

CONSENT

ITEMS ADOPTED ON CONSENT
AGENDA

1. 00-O-1856
2. 01-O-0091
3. 01-O-0094
4. 01-O-0065
5. 01-O-0090
6. 01-O-0097
7. 01-O-0109
8. 00-R-2105
9. 01-R-0078
10. 01-R-0153
11. 01-R-0102
12. 00-R-0729
13. 01-R-0071
14. 01-R-0077
15. 01-R-0114
16. 01-R-0115
17. 01-R-0116
18. 01-R-0117
19. 01-R-0118
20. 01-R-0145
21. 01-R-0149
22. 01-R-0073
23. 01-R-0101
24. 01-R-0147
25. 01-R-0119
26. 01-R-0120
27. 01-R-0122
28. 01-R-0123
29. 01-R-0124
30. 01-R-0125
31. 01-R-0126
32. 01-R-0127
33. 01-R-0128
34. 01-R-0129
35. 01-R-0130
36. 01-R-0146

ITEMS ADVERSED
ON CONSENT AGENDA

37. 01-R-0131
 38. 01-R-0132
 39. 01-R-0133
 40. 01-R-0134
 41. 01-R-0135
 42. 01-R-0136
 43. 01-R-0137
 44. 01-R-0138
 45. 01-R-0139
 46. 01-R-0140
 47. 01-R-0141
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 49. 01-R-0143
 50. 01-R-0144
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